

08-07-03

PTO/SB/21 (05-03)

Approved for use through 04/30/2003. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/875,221
		Filing Date	June 6, 2001
		First Named Inventor	Diljeet Singh Athwal et al.
		Art Unit	1646
		Examiner Name	Eileen B. O'Hara
Total Number of Papers in This Submission	Four	Attorney Docket Number	CARP0005-100

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Response  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input checked="" type="checkbox"/> Communication Concerning Formal Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> Part B - Fee(s) Transmittal (Issue Fee, Publication Fee and Advance Soft Copies Order)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Application For Patent Term Adjustment w/Exhibits 1 and 2 <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
Express Mail Label No. EV146 609 185US Date of Deposit: August 6, 2003		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Doreen Yatko Trujillo, Reg. No. 35,719 Cozen O'Connor, P.C.
Signature	
Date	August 6, 2003

CERTIFICATE OF MAILING			
I hereby certify that this correspondence and documents thereto are being deposited via Express Mail Service addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313, on this date: August 6, 2003			
Typed or printed name	Doreen Yatko Trujillo		
Signature		Date	August 6, 2003

This collection of information is required by 37 CFR 1.51. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



DOCKET NO. :CARP-0089

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In Re Application of:**

Diljeet Singh Athwal, Derek Thomas  
Brown, Andrew Neil Charles Weir, Andrew  
George Popplewell, Andrew Paul Chapman  
and David John King

**Serial No.:** Not Yet Assigned

**Group Art Unit:** Not Yet Assigned

**Filing Date:** Not Yet Assigned

**Examiner:** Not Yet Assigned

**For:** BIOLOGICAL PRODUCTS

**EXPRESS MAIL LABEL NO:** EL 827 224 012 US  
**DATE OF DEPOSIT:** June 6, 2001

Box ☒ Patent Application  
☐ Provisional ☐ Design

Assistant Commissioner for Patents  
Washington DC 20231

Sir:

**PATENT APPLICATION TRANSMITTAL LETTER**

Transmitted herewith for filing, please find

☒ A Utility Patent Application under 37 C.F.R. 1.53(b).

It is a continuing application, as follows:

☐ continuation ☐ divisional ☐ continuation-in-part of prior application number  
\_\_\_\_/\_\_\_\_.

☐ A Provisional Patent Application under 37 C.F.R. 1.53(c).

☐ A Design Patent Application (submitted in duplicate).

☐ **Request for Nonpublication.** The invention(s) disclosed in the present application filed herewith has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication

of applications 18 months after filing. Thus, pursuant to 35 U.S.C. §122(b)(2)(B)(i), Applicant(s) request that the above-identified patent application not be published.

Including the following:

- ☐ Provisional Application Cover Sheet.
- ☒ New or Revised Specification, including pages 1 to 62 containing:
  - ☒ Specification
  - ☒ Claims
  - ☒ Abstract
  - ☐ Substitute Specification, including Claims and Abstract.
- ☐ The present application is a continuation application of Application No. \_\_\_\_\_ filed \_\_\_\_\_. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Since none of those amendments incorporate new matter into the parent application, the present revised Specification also does not include new matter.
- ☐ The present application is a continuation application of Application No. \_\_\_\_\_ filed \_\_\_\_\_, which in turn is a continuation-in-part of Application No. \_\_\_\_\_ filed \_\_\_\_\_. The present application includes the Specification of the parent application which has been revised in accordance with the amendments filed in the parent application. Although the amendments in the parent C-I-P application may have incorporated new matter, since those are the only revisions included in the present application, the present application includes no new matter in relation to the parent application.
- ☐ A copy of earlier application Serial No. \_\_\_\_\_ Filed \_\_\_\_\_, including Specification, Claims and Abstract (pages 1 - @@), to which no new matter has been added TOGETHER WITH a copy of the executed oath or declaration for such earlier application and all drawings and appendices. Such earlier application is hereby incorporated into the present application by reference.
- ☐ Please enter the following amendment to the Specification under the Cross-Reference

to Related Applications section (or create such a section) : "This Application:

☐ is a continuation of ☐ is a divisional of ☐ claims benefit of U.S. provisional  
Application Serial No. \_\_\_\_\_ filed \_\_\_\_\_

☐ Signed Statement attached deleting inventor(s) named in the prior application.

☐ A Preliminary Amendment.

☒ 27 Sheets of Formal Drawings.

☒ Drawing view to publish: Figure 3.

☐ Petition to Accept Photographic Drawings.

☐ Petition Fee

☒ An ☐ Executed ☒ Unexecuted Declaration or Oath and Power of Attorney.

☐ An Associate Power of Attorney.

☐ An ☐ Executed ☐ Copy of Executed Assignment of the Invention to \_\_\_\_\_

☐ A Recordation Form Cover Sheet.

☐ Recordation Fee - \$40.00.

☐ The prior application is assigned of record to \_\_\_\_\_

☒ Priority is claimed under 35 U.S.C. § 119 of Patent Application No. 0013810.7  
filed June 6, 2000 in Great Britain (country).

☐ A Certified Copy of each of the above applications for which priority is  
claimed:

☐ is enclosed.

☐ has been filed in prior application Serial No. \_\_\_\_\_ filed \_\_\_\_\_.

☐ Please enter the following amendment to the first sentence of the specification  
(or create such a sentence): "This application claims benefit of international

application No. \_\_\_\_\_, which was published under PCT Article 21(2) in English.”

- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 C.F.R. §1.27 as:
- ☐ an Independent Inventor
  - ☐ a Small Business Concern
  - ☐ a Nonprofit Organization.
- ☒ Diskette Containing DNA/Amino Acid Sequence Information.
- ☒ Statement to Support Submission of DNA/Amino Acid Sequence Information.
- ☒ Sequence listing consisting of pages 1-32.
- ☐ The computer readable form in this application \_\_\_\_\_, is identical with that filed in Application Serial Number \_\_\_\_\_, filed \_\_\_\_\_. In accordance with 37 CFR 1.821(e), please use the ☐ first-filed, ☐ last-filed or ☐ only computer readable form filed in that application as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application. A paper copy of the Sequence Listing is ☐ included in the originally-filed specification of the instant application, ☐ included in a separately filed preliminary amendment for incorporation into the specification.
- ☐ Information Disclosure Statement.
- ☐ Attached Form 1449.
  - ☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ A copy of Petition for Extension of Time as filed in the prior case.
- ☐ Appended Material as follows: \_\_\_\_\_
- ☒ Return Receipt Postcard (should be specifically itemized).

☐ Other as follows: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**FEE CALCULATION:**

☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

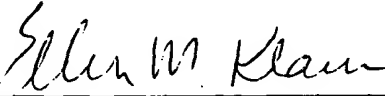
				SMALL ENTITY		NOT SMALL ENTITY	
				RATE	FEE	RATE	FEE
PROVISIONAL APPLICATION				\$75.00	\$	\$150.00	\$
DESIGN APPLICATION				\$160.00	\$	\$320.00	\$
UTILITY APPLICATIONS BASE FEE				\$355.00	\$	\$710.00	\$710.00
UTILITY APPLICATION; ALL CLAIMS CALCULATED AFTER ENTRY OF ALL AMENDMENTS							
	No. Filed	No. Extra					
TOTAL CLAIMS	105- 20 =	85		\$9 each	\$	\$18 each	\$1530.00
INDEP. CLAIMS	20- 3 =	17		\$40 each	\$	\$80 each	\$1360.00
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM				\$135	\$	\$270	\$270.00
ADDITIONAL FILING FEE					\$		\$
TOTAL FILING FEE DUE					\$		\$3870.00

- ☒ A Check is enclosed in the amount of \$3870.00.
- ☒ The Commissioner is authorized to charge payment of the following fees and to refund any overpayment associated with this communication or during the pendency of this application to deposit account 23-3050. This sheet is provided in duplicate.
- ☐ The foregoing amount due.
- ☒ Any additional filing fees required, including fees for the presentation of extra claims under 37 C.F.R. 1.16.
- ☒ Any additional patent application processing fees under 37 C.F.R. 1.17 or 1.20(d).

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to deposit account 23-3050. This sheet is provided in duplicate.

**SHOULD ANY DEFICIENCIES APPEAR** with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: June 6, 2001

  
\_\_\_\_\_  
Ellen M. Klann  
Registration No. 44,836

Woodcock Washburn Kurtz  
Mackiewicz & Norris LLP  
One Liberty Place - 46th Floor  
Philadelphia PA 19103  
Telephone: (215) 568-3100  
Facsimile: (215) 568-3439



DOCKET NO. CARP0005-100

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Athwal et al.

Confirmation No. 7772

Serial No.: 09/875,221

Group Art Unit: 1646

Filing Date: June 6, 2001

Examiner: Eileen B. O'Hara

For: BIOLOGICAL PRODUCTS

EXPRESS MAIL LABEL NO. EV147 609 185US  
DATE OF DEPOSIT: August 6, 2003

MAIL STOP ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

COMMUNICATION CONCERNING FORMAL DRAWINGS

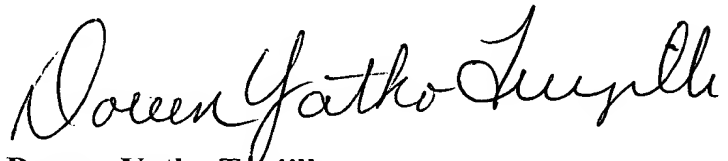
Upon receipt of the Notice of Allowance and Fee(s) Due ("Notice of Allowance") dated May 6, 2003, Applicants reviewed the File Contents History for this application in the U.S. Patent and Trademark Office's Patent Application Information Retrieval ("PAIR") system. The PAIR system indicated that, as of May 5, 2003, formal drawings were required and, for May 6, 2003, the entry "Mail Formal Drawings Required." Applicants, however, had filed Formal Drawings on June 6, 2001, and had never received any papers regarding the same (See Application Transmittal attached, indicating that 27 sheets of "Formal Drawings" had been filed, and postcard, stamped received, indicating same).

The undersigned's secretary telephoned Examiner O'Hara to inquire about the Formal Drawing papers. Examiner O'Hara advised the undersigned's secretary that the file had already been forwarded to Publications in Pennsylvania, but that she would try to



retrieve the file to fax any drawing papers concerning the correction of Formal Drawings to the undersigned. Examiner O'Hara could not retrieve the file, so she spoke with her Supervisory Patent Examiner ("SPE"), and was informed by her SPE that Applicants should file a communication stating that a Notice of Draftsperson's Patent Drawing Review ("Drawing Review") had never been received by the Applicants during prosecution, nor had a Drawing Review been forwarded with the Notice of Allowance. Accordingly, this communication is being filed to advise the U.S. Patent Office that Formal Drawings were filed by Applicants on June 6, 2001, and that no Drawing Review specifying any errors has been received. Applicants respectfully request that records be updated accordingly. Thank you.

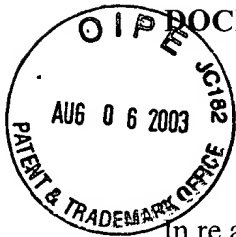
Respectfully submitted,



**Doreen Yatko Trujillo**  
**Registration No. 35,719**

Dated: August 6, 2003

COZEN O'CONNOR, P.C.  
1900 Market Street, 6<sup>th</sup> Floor  
Philadelphia, PA 19103-3508  
(215) 665-5593 – Telephone  
(215) 701-2005 - Facsimile



DOCKET NO.: CARP0005-100

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Athwal et al.**

Confirmation No.: **7772**

Serial No.: **09/875,221**

Group Art Unit: **1646**

Filed: **June 6, 2001**

Examiner: **Eileen B. O'Hara**

Title: **BIOLOGICAL PRODUCTS**

08/08/2003 HLE444 00000205 501275 09875221

01 FC:1455 200.00 DA

EXPRESS MAIL LABEL NO. EV147 609 185US  
DATE OF DEPOSIT: August 6, 2003

**MAIL STOP ISSUE FEE**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

**APPLICATION FOR PATENT TERM ADJUSTMENT**

Pursuant to 37 C.F.R. § 1.705, Applicants hereby request reinstatement of all of the term reduced pursuant 37 C.F.R. § 1.704. This request is being filed with the payment of the issue fee and is accompanied by the fee set forth in 37 C.F.R. § 1.18(e). The facts supporting this request are set forth below.

**Statement of the Facts**

**1. The correct patent term adjustment**

A copy of the Patent Term Adjustment sheet for this application is attached as Exhibit 1. As correctly indicated thereon, the USPTO delay is 273 days. The above-identified patent application was filed on June 6, 2001. Applicants never received a notification under 35 U.S.C. § 1.132, nor was one apparently mailed (see Exhibit 2, File Contents History from PAIR). A Notice of Allowance was mailed on May 6, 2003. The date of the Notice of Allowance was 273 days beyond 14 months from the date the application was filed under 35 U.S.C. § 111(a). Fourteen months from the date the application was filed under 35 U.S.C. § 111(a) was August 6, 2002. Thus, Applicants submit that the correct patent term adjustment is 273 days.

**2. The relevant dates for which adjustment is sought**

Adjustment is not sought for additional delay on the part of the USPTO, but for an incorrect charge of delay to the Applicants. The Patent Term Adjustment sheet (Exhibit 1) incorrectly indicates that the Applicants' delay is 50 days, and deducts this period of delay from the patent term adjustment due. This delay appears to be allegedly due to the filing of an incomplete application. Applicants, however, can find no provision in 37 C.F.R. § 1.704 providing that the filing of an incomplete application is a failure to engage in reasonable efforts to conclude prosecution and, thus, result in a period of reduction. A Notice to File Missing Parts was mailed July 18, 2001 ("Notice"). Applicants responded to the Notice on October 18, 2001 by Express Mail, or well-within three months from the date of the Notice.

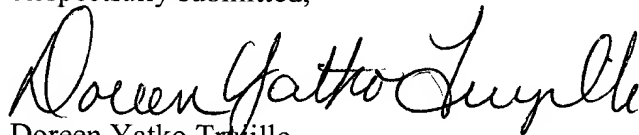
### **3. Terminal disclaimer**

The present application is not subject to terminal disclaimer.

### **4. Representations regarding reasonable efforts**

To the undersigned's knowledge, there were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of this application as set forth in 37 C.F.R. § 1.704.

Respectfully submitted,



Doreen Yatko Trujillo  
Registration No. 35,719

Date: August 6, 2003

COZEN O'CONNOR, P.C.  
1900 Market Street, 6<sup>th</sup> Floor  
Philadelphia, PA 19103-3508  
Telephone: (215) 665-5593  
Facsimile: (215) 701-2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

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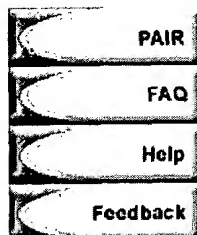
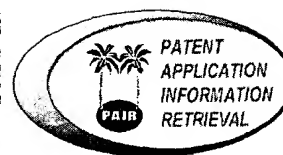
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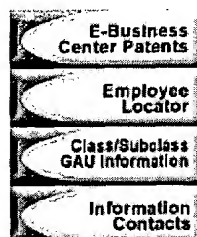
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## PATENT APPLICATION INFORMATION RETRIEVAL



## Other Links



Patent Term Adjustment (PTA) for application number: 09/875,221			
			Days
Filing or 371(c) Date:	06-06-2001	USPTO Delay (PTO):	273
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	50
Post-Issue Petitions (days):	+0	Total PTA:	223
USPTO Adjustment (days):	+0	Explanation of Calculations	

File Contents History

Continuity Data

Published Documents

## Patent Term Adjustment History

Number	Date	Contents Description	PTO (days)	APPL (days)
34	05-06-2003	Mail Notice of Allowance	273	
33	05-06-2003	Mail Formal Drawings Required	↑	
32	05-05-2003	Formal Drawings Required	↑	
31	05-05-2003	Notice of Allowance Data Verification Completed	↑	
30	05-05-2003	Case Docketed to Examiner in GAU	↑	
29	05-05-2003	Notice of Allowability	↑	
28	02-05-2003	Date Forwarded to Examiner	↑	
27	01-09-2003	Response to a Letter to Comply with the Sequence Rules	↑	
26	12-09-2002	Mail Incomplete Response to Sequence Rule Request	↑	
25	12-09-2002	Incomplete Response to Sequence Rule Request	↑	
24	10-24-2002	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
23	11-15-2002	CRF Is Good Technically / Entered into Database	↑	
22	11-07-2002	Correspondence Address Change	↑	
21	10-24-2002	Information Disclosure Statement (IDS) Filed	↑	
20	11-07-2002	Date Forwarded to Examiner	↑	
19	10-24-2002	Response to a Letter to Comply with the Sequence Rules	↑	
18	09-24-2002	Mail Letter Requiring CRF (Unreadable, Non-Compliant, Not Submitted)	↑	
17	09-24-2002	CRF Diskette Unreadable / Did Not Comply / Required but Not Submitted	↑	
16	05-21-2002	Information Disclosure Statement (IDS) Filed	↑	
15	05-06-2002	Record Petition Decision of Granted Related to Filing Date	↑	
14	02-04-2002	Petition Entered	↑	
13	01-04-2002	CRF Is Good Technically / Entered into Database	↑	
12	12-17-2001	Case Docketed to Examiner in GAU	↑	
11	09-13-2001	Preliminary Amendment	↑	
10	12-10-2001	Application Dispatched from OIPE	↑	

9	12-07-2001	Application Is Now Complete	↑	50
7	07-18-2001	Incomplete Application under Rule 53(b) - Filing Date Assigned	↑	↑
6	07-18-2001	Correspondence Address Change	↑	
5	07-17-2001	Correspondence Address Change	↑	
4	07-11-2001	CRF Is Flawed Technically / Not Entered into Database	↑	
3	06-15-2001	Application Scanned	↑	
2	06-06-2001	CRF Disk Has Been Received by Preexam / Group / PCT	↑	
1	06-06-2001	Initial Exam Team nn	↑	

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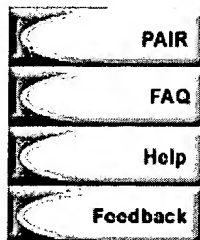
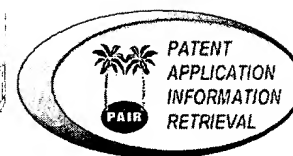
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[NEWS&NOTICES](#) | [CONTACT US](#) | [PRIVACY STATEMENT](#)



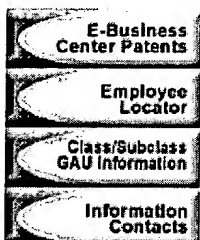
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## PATENT APPLICATION INFORMATION RETRIEVAL



### Other Links



Search results for application number: 09/875,221			
Filing or 371(c) Date:	06-06-2001	Class / Sub-Class:	530/350.000
Issue Date of Patent:	-	Location:	PUBS - INITIAL DATA CAPTURE (FILE UNAVAILABLE)
Examiner Name:	O HARA, EILEEN B	Status:	Notice of Allowance Mailed -- Application Received in Office of Publications
Group Art Unit:	1646	Attorney Docket Number:	CARP-0089
Earliest Publication No:	US 2003-0026805 A1	Patent Number:	-
Earliest Publication Date:	02-06-2003	Customer Number:	-
Confirmation Number:	7772		

[PTA History](#)
[Continuity Data](#)
[Published Documents](#)

File Contents History		
Number	Date	Contents Description
42	07-23-2003	Receipt into Pubs
41	07-21-2003	Receipt into Pubs
40	07-17-2003	Workflow - Query Request - Begin
39	05-22-2003	Sequence Forwarded to Pubs on Tape
38	05-16-2003	Workflow - File Sent to Contractor
37	05-16-2003	Workflow - File Sent to Contractor
36	05-09-2003	Dispatch to Publications
35	05-09-2003	Dispatch to Publications
34	05-06-2003	Mail Notice of Allowance
33	05-06-2003	Mail Formal Drawings Required
32	05-05-2003	Formal Drawings Required
31	05-05-2003	Notice of Allowance Data Verification Completed
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1	06-06-2001	Initial Exam Team nn

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**RECEIVED BY THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Paper:** Patent Application Transmittal Letter (in dup) ;specification including claims & abstract (pages 1- 62); claims 1-67 ; 27 sheets of formal drawings (Figs. 1-24); *Unexecuted* Declaration and Power of Attorney; check for \$3870.00 application filing fee.) Statement to Support Filing and Submission in Accordance with 37 CFR 1.821 Through 1.825 with Sequence Listing pages 1-32; Diskette Containing DNA/Amino Acid Sequence Information and return post card all via Express Mail EL 827 224 012 US.

**Applicant(s):** Diljeet Singh Athwal, et.

**Title:** BIOLOGICAL PRODUCTS

**Serial No.:** Not Assigned Yet

**Filed:** Herewith

**Docket No.:** CARP-0089

**Date Sent:** June 6, 2001

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